

**REMARKS**

The present amendment is in response to the Official Action dated April 23, 2003, wherein the Examiner rejected pending claims 1, 2, 4, 6, 7, 11-13, 23, 24, 26, 28 and 29. More specifically, the Examiner rejected claims 4 and 12 as being anticipated by Alpert, US Patent No. 5,742,666; objected to claims 1, 2, 6, 7, 11, 13, 23, 24, 26, 28 and 29 as being unpatentable over Alpert, '666, either separately or in further view of Shirk et al., US Patent No. 6,539,301, or Newman et al., US Patent No. 4,860,292. However the references cited by the Examiner, either separately or in combination, fail to make known or obvious the claims of the present application. The applicants have amended the claims in an attempt to make the same more clear, including correcting a couple of errors of a clerical nature. Reexamination and reconsideration of the above-identified application, in view of the present amendment and remarks, are hereby requested.

The applicants note with appreciation the Examiner's indication that claims 5, 8-10, 14-22, 27 and 30 are allowed.

Relative to the Examiner's objection of claims 4 and 12, in view of Alpert, '666, the Examiner asserts that the reference teaches terminating sending the stored message when an audio signal is picked-up by the microphone of the wireless device, however contrary to the Examiner's assertions Alpert, '666, more clearly teaches the termination of sending a message only after a specific key or key sequence is additionally depressed (col. 6, lines 43-49; col. 10, lines 40-46). Consequently, absent the actuation of an appropriately keyed sequence by the user, speaking into the microphone will not terminate the sending of the message. In other word, the detection of audio signals by the microphone will not terminate or prevent the sending of the stored message, in instances where appropriately keyed sequence has not already been performed. As a result, it is not fair to say that the reference provides for each of the features of the claims, because the teachings of the reference are inconsistent with at least the above noted element of the claims, where there are specific instances in which the detection of audio signals will not terminate or prevent the sending of the stored message as provided by the noted claims.

Relative to claims 1-2, 13, 26 and 29, which the Examiner rejects as being unpatentable over Alpert, '666, in view of Shirk et al., '301, the Examiner correctly notes that Alpert, '666, fails to make known sending the stored message when a predetermined time has elapsed on a

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timer, where the timer is initiated when the call is established. However, the Examiner incorrectly asserts that the same is made known or obvious in view of Shirk et al., '301. More specifically, Shirk et al., '301, includes a timer which is used to insure that a request button is actuated for a minimum period of time before the request is initiated (i.e. before the call is established). In other words, Shirk et al., '301, fails to teach and/or make obvious a timer which is initiated when the call is established. Correspondingly, contrary to the Examiner's assertions, Alpert, '666, and Shirk et al., '301, either alone or in combination fail to make known the claims of the present application.

In rejecting claims 6-7 and 23-24, the Examiner has identified, the same, as being made obvious by Alpert, '666, in view of Newman et al., '292. Newman et al., '292, discloses the resending of a message in the event that there was an error in the original transmission, which is identified by the sending and receipt of a NAK (No Acknowledgement) signal. While it is unclear whether such a disclosure could be said to be equivalent to sending a command as provided by the corresponding claims, where the resending could more appropriately be said to part of the original transmission, the applicants in an attempt to make the same more clear have amended claims 6 and 23, in order to more clearly identify the command as a playback command, which is in response to the operator of the base depressing a keypad key. The applicants would respectfully request that the Examiner reconsider the rejection.

Lastly, the Examiner has rejected claim 11 as being obvious in view of Alpert, '666, wherein the Examiner asserts that the inclusion of a digital signature in a data file is well known. However, the applicants would question the Examiner's conclusion, noting that the Examiner provides no support for such a proposition in the claimed context or more importantly the context of the cited reference. More specifically, the applicants note, that digital signatures are often used in place of a real signature in an electronic version of a document, to substitute for where a real signature would be located in a non-electronic version of a document. In other instances, a digital signature can be used to authenticate the identity of the sender. Here, the Examiner has failed to identify any motivation for including a digital signature in the type of messages or in the context of sending a message as described in Alpert, '666. Consequently, the Examiner has failed to provide a specific teaching that would motivate one to modify the teachings of Alpert, '666, for purposes of making obvious claim 11. In absence of such a teaching, the Examiner has

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failed to support the prima facie burden of a case for obviousness. As a result, the applicants would contend that claim 11, contrary to the assertions of the Examiner, is not made obvious by Alpert, '666.

As presently amended, the claims are allowable over the prior art of record for the reasons noted above. Allowance of the application is respectfully requested.

In the event, that there are any remaining unresolved issues precluding the issuance of the present application after consideration of the present response, before issuing a further rejection, the Examiner is respectfully requested to contact the applicants' agent at the below listed number to discuss the same.

Respectfully submitted,  
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